

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/759,099	Confirmation No. 4916
Applicant	:	Timothy J. O'Leary et al.	
Filed	:	January 20, 2004	
TC/A.U.	:	1637	
Examiner	:	CALAMITA, H.	
Docket No.	:	AFIP 03-16 01	
Customer No.	:	27370	

For: IMMUNOLIPOSOME-NUCLEIC ACID AMPLIFICATION (ILNAA)
ASSAY

SUPPLEMENTAL RESPONSE AFTER FINAL REJECTION UNDER 37 C.F.R. 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated June 18, 2008, and further to the Amendment After Final Rejection filed on September 3, 2008, Applicants specifically state that the Supplemental Declaration Under 37 C.F.R. 1.131 could not have been presented earlier as US Patent Application Publication 2004/0258570 (Beebe et al.) and US Patent Application Publication 2005/0079520 (Wu et al. '520) were cited for the first time in the final Office Action. Accordingly, entry and consideration of the Supplemental Declaration should be granted under 37 C.F.R.1.116(e).

In view of the remarks above, Applicants respectfully submit that the present application is in condition for allowance. If in the opinion of the Examiner, a telephone

conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

/Warren Zitlau/

Warren A. Zitlau
Registration No. 39,085

CAHN & SAMUELS, LLP
1100 17th Street, NW, Suite 401
Washington, D.C. 20036
Telephone: (202) 331-8777

Date: September 10, 2008